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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 26th December, 1969/Pausa 5, 1891 (Saka)

The following Acts of Parliament received the assent of the President on the 26th December, 1969, and are hereby published for general information:—

THE OATHS ACT, 1969

No. 44 OF 1969

[*26th December, 1969*]

An Act to consolidate and amend the law relating to judicial oaths and for certain other purposes.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title and extent.

1. (*1*) This Act may be called the Oaths Act, 1969.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

Saving of certain oaths and affirmations.

2. Nothing in this Act shall apply to proceedings before courts martial or to oaths, affirmations or declarations prescribed by the Central Government with respect to members of the Armed Forces of the Union.

Power to administer oaths.

3. (*1*) The following courts and persons shall have power to administer, by themselves or, subject to the provisions of sub-section (*2*) of section 6, by an officer empowered by them in this behalf, oaths and affirmations in discharge of the duties imposed or in exercise of the powers conferred upon them by law, namely:—

(*a*) all courts and persons having by law or consent of parties authority to receive evidence;

(*b*) the commanding officer of any military, naval, or air force station or ship occupied by the Armed Forces of the Union, provided that the oath or affirmation is administered within the limits of the station.

(*2*) Without prejudice to the powers conferred by sub-section (*1*) or by or under any other law for the time being in force, any court, Judge, Magistrate or person may administer oaths and affirmations for the purpose of affidavits, if empowered in this behalf—

(*a*) by the High Court, in respect of affidavits for the purpose of judicial proceedings; or

(*b*) by the State Government, in respect of other affidavits.

Oaths or affirmations to be made by witnesses, interpreters and jurors.

4. (*1*) Oaths or affirmations shall be made by the following persons, namely:—

(*a*) all witnesses, that is to say, all persons who may lawfully be examined, or give, or be required to give, evidence by or before any court or person having by law or consent of parties authority to examine such persons or to receive evidence;

(*b*) interpreters of questions put to, and evidence given by, witnesses; and

(*c*) jurors:

Provided that where the witness is a child under twelve years of age, and the court or person having authority to examine such witness is of opinion that, though the witness understands the duty of speaking the truth, he does not understand the nature of an oath or affirmation, the foregoing provisions of this section and the provisions of section 5 shall not apply to such witness; but in any such case the absence of an oath or affirmation shall not render inadmissible any evidence given by such witness nor affect the obligation of the witness to state the truth.

(*2*) Nothing in this section shall render it lawful to administer, in a criminal proceeding, an oath or affirmation to the accused person,

unless he is examined as a witness for the defence, or necessary to administer to the official interpreter of any court, after he has entered on the execution of the duties of his office, an oath or affirmation that he will faithfully discharge those duties.

Affirmation by persons desiring to affirm.

5. A witness, interpreter or juror may, instead of making an oath, make an affirmation.

Forms of oaths and affirmations.

6. (*1*) All oaths and affirmations made under section 4 shall be administered according to such one of the forms given in the Schedule as may be appropriate to the circumstances of the case:

Provided that if a witness in any judicial proceeding desires to give evidence on oath or solemn affirmation in any form common amongst, or held binding by, persons of the class to which he belongs, and not repugnant to justice or decency, and not purporting to affect any third person, the court may, if it thinks fit, notwithstanding anything hereinbefore contained, allow him to give evidence on such oath or affirmation.

(*2*) All such oaths and affirmations shall, in the case of all courts other than the Supreme Court and the High Courts, be administered by the presiding officer of the court himself, or, in the case of a Bench of Judges or Magistrates, by any one of the Judges or Magistrates, as the case may be.

Proceedings and evidence not invalidated by omission of oath or irregularity.

7. No omission to take any oath or make any affirmation, no substitution of any one for any other of them, and no irregularity whatever in the administration of any oath or affirmation or in the form in which it is administered, shall invalidate any proceeding or render inadmissible any evidence whatever, in or in respect of which such omission, substitution or irregularity took place, or shall affect the obligation of a witness to state the truth.

Persons giving evidence bound to state the truth.

8. Every person giving evidence on any subject before any court or person hereby authorised to administer oaths and affirmations shall be bound to state the truth on such subject.

Repeal and saving.

10 of 1873.

9. (*1*) The Indian Oaths Act, 1873, is hereby repealed.

(*2*) Where, in any proceeding pending at the commencement of this Act, the parties have agreed to be bound by any such oath or affirmation as is specified in section 8 of the said Act, then, notwithstanding the repeal of the said Act, the provisions of sections 9 to 12 of the said Act shall continue to apply in relation to such agreement as if this Act had not been passed.

THE SCHEDULE

(*See* section 6)

FORMS OF OATHS OR AFFIRMATIONS

Form No. 1 (Witnesses):—

I **do** $\frac{\text{swear in the name of God}}{\text{solemnly affirm}}$ that what I shall state shall be the truth, the whole truth and nothing but the truth.

Form No. 2 (Jurors):—

I **do** $\frac{\text{swear in the name of God}}{\text{solemnly affirm}}$ that I will well and truly try and true deliverance make between the State and the prisoner(s) at the bar, whom I shall have in charge, and a true verdict give according to the evidence.

Form No. 3 (Interpreters):—

I do $\frac{\text{swear in the name of God}}{\text{solemnly affirm}}$ that I will well and truly interpret and explain all questions put to and evidence given by witnesses and translate correctly and accurately all documents given to me for translation.

Form No. 4 (Affidavits):—

I **do** $\frac{\text{swear in the name of God}}{\text{solemnly affirm}}$ that this is my name and signature **(or mark)** and that the contents of this my affidavit are true.

THE INDIAN REGISTRATION (AMENDMENT) ACT, 1969

No. 45 OF 1969

[26*th December*, 1969]

An Act further to amend the Indian Registration Act, 1908.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Indian Registration (Amendment) Act, 1969.

Amendment of sections 1 and 30.

2. In the Indian Registration Act, 1908,— 16 of 1908.

(*a*) in sub-section (*1*) of section 1, the word "Indian" shall be omitted;

(b) in sub-section (2) of section 30, for the words "The Registrar of a district including a presidency-town", the words "The Registrar of a district in which a presidency-town is included and the Registrar of the Delhi district" shall be substituted.

N. D. P. NAMBOODIRIPAD,
Joint Secy. to the Govt. of India.

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